

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7619

Petition of National Mobile Communications Corp.,)
d/b/a Sovernet Communications, for designation as)
an Eligible Telecommunications Carrier in areas)
served by non-rural telephone companies under the)
Telecommunications Act of 1996)

Order entered: 6/4/2010

PREHEARING CONFERENCE MEMORANDUM

I convened a prehearing conference in this docket on June 2, 2010. Appearances were entered by Sarah Hofmann, Esq., and Louise Porter, Esq.,¹ for the Vermont Department of Public Service ("Department"), and Larry Lackey for National Mobile Communications Corp., d/b/a Sovernet Communications ("Sovernet"). Also appearing were Paul J. Phillips, Esq., for eight independent Vermont local exchange carriers (the "Independents"),² and Beth Fastiggi for Telephone Operating Company of Vermont LLC, d/b/a FairPoint Communications ("FairPoint").³ Following a brief discussion off the record, the parties agreed upon and proposed a schedule. Pursuant to the parties' proposal, the following schedule is adopted for this docket:

1. At the prehearing conference, the Department moved that Ms. Porter be allowed to appear in this proceeding pro hac vice pursuant to PSB Rule 2.201(C). No party objected to the motion and it was granted provisionally pending receipt of a proper written motion from the Department.

2. The Independents are: Franklin Telephone Company; Ludlow Telephone Company; Northfield Telephone Company; Perkinsville Telephone Company; Shoreham Telephone Company; Topsham Telephone Company, Inc., Waitsfield-Fayston Telephone Company, Inc., d/b/a Waitsfield Telecom, d/b/a Champlain Valley Telecom; and Vermont Telephone Company, Inc., d/b/a VTel.

3. Mr. Phillips and Ms. Fastiggi indicated that their respective clients had not yet decided whether to seek party status in the proceeding. If party status is ultimately sought, motions to intervene must be filed per the schedule adopted in this memorandum.

DATE	EVENT
June 16, 2010	Sovernet prefiles testimony
June 23, 2010	Motions for Intervention due
June 30, 2010	Responses to Motions for Intervention due
July 15, 2010	Single round of discovery by Department and intervenors served on Sovernet
July 26, 2010	Sovernet responses to July 15 discovery requests due
August 10, 2010	DPS and intervenors prefile testimony
August 17, 2010	Single round of discovery served on Department and intervenors
August 27, 2010	DPS and intervenor responses to August 17 discovery requests due
September 9, 2010	Sovernet to provide notice of live rebuttal, witness list, exhibit copies and summary of anticipated testimony
September 14, 2010	DPS and intervenors to provide notice of live surrebuttal, witness list, exhibit copies and summary of anticipated testimony
September 16, 2010	Technical hearing with live rebuttal and surrebuttal testimony

The schedule is consistent with the recommendation of the parties, except that I am adding two requirements. Because the parties have requested only one day of technical hearings, but have also provided for live rebuttal and surrebuttal testimony during that single day of hearings, it is imperative that the parties be as efficient as possible. Accordingly, I am directing Sovernet to notify the parties and Board no later than September 9, 2010, whether it intends to present live rebuttal testimony, and if so, to provide a witness list and brief description of each witness's expected rebuttal testimony, as well as copies of any exhibits it intends to introduce

through each witness.⁴ Assuming Sovernet intends to avail itself of the opportunity to present live rebuttal testimony, then the Department and intervenors must also, no later than September 14, 2010, provide to the parties and the Board the same notice and information required of Sovernet for each witness they intend to sponsor for surrebuttal.

Because the parties' proposal envisions live rather than prefiled rebuttal and surrebuttal testimony, objections to the admissibility of such testimony and related exhibits shall not be subject to PSB Rule 2.216(C). However, objections to the admissibility of all prefiled testimony and exhibits will continue to be governed by that Rule.

Lastly, the parties should keep in mind that any rebuttal or surrebuttal testimony must be focused and be directly responsive to issues raised by the previous round of testimony filed by other parties to the proceeding. It is not an opportunity to present evidence that could have been presented in a party's initial case.

SO ORDERED.

4. In the event Sovernet fails to comply with this added requirement, the company will not be allowed to present live rebuttal testimony absent good cause shown. Similarly, if Sovernet meets its obligations with respect to presenting live rebuttal testimony, but the Department and/or intervenors fail to meet theirs, then they will be precluded from presenting live surrebuttal testimony absent good cause shown. However, failure by the Department or intervenors in this regard will not prevent them from conducting appropriate cross-examination of any rebuttal testimony offered by Sovernet witnesses.

Dated at Montpelier, Vermont, this 4th day of June, 2010.

s/ John J. Cotter

John J. Cotter, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: June 4, 2010

ATTEST: s/ Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@.state.vt.us)